

ASSEMBLY BILL

No. 2002

Introduced by Assembly Member Alquist

February 15, 2002

An act to amend Sections 68130 and 68131 of, to amend and renumber Sections 32320, 68120, 68123, and 68124 of, to add Section 66026 to, to add a title heading immediately preceding Section 66025 of Chapter 2 of Part 40 of, and to repeal the headings of Article 3 (commencing with Section 32320) of Chapter 3 of Part 19 of, and Article 10 (commencing with Section 68120) of Chapter 1 of Part 41 of, the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2002, as introduced, Alquist. Public postsecondary education: waivers of tuition and mandatory systemwide fees.

Existing law, known as the Donahoe Higher Education Act, sets forth, among other things, the missions and functions of California's public and independent segments of higher education, and their respective institutions of higher education. Among other things, the act sets the level of systemwide fees charged to resident students at the University of California and the California State University. Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the Regents of the University of California act to make these provisions applicable.

Various provisions of the Education Code that are not included in the Donahoe Higher Education Act waive resident tuition charges and prescribed fees for specified dependents of persons killed in military service and for specified dependents of persons killed in the performance of law enforcement and fire suppression duties.

This bill would amend and renumber the provisions relating to the waiver of tuition and fees for these dependents in order to place these provisions in the Donahoe Higher Education Act. The bill would also make technical changes to conform to this renumbering. In addition, the bill would prohibit the Regents of the University of California, the Board of Trustees of the Hastings College of the Law, or the Trustees of the California State University from collecting or requiring mandatory systemwide fees or tuition from any resident of California whose parent or guardian was killed in a terrorist incident occurring on or after September 11, 2001.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The terrorist attacks of September 11, 2001, claimed the
4 lives of thousands of American citizens, and since then our nation
5 has been engaged in a war against terrorism.

6 (2) The terrorist enemies of our nation target ordinary citizens
7 in their attacks, and thus, in a sense, ordinary Americans are on the
8 front lines of this war.

9 (3) Section 66025.3 of the Education Code prohibits any
10 campus of the California State University or the California
11 Community Colleges from charging tuition or prescribed fees to
12 specified dependents of persons killed in the service of their
13 country.

14 (b) It is, therefore, the intent of the Legislature, in enacting
15 Section 66026 of the Education Code, to extend this type of waiver
16 of tuition and fees to those students of the University of California,
17 the California State University, and the California Community
18 Colleges who have lost a parent or guardian because of a terrorist
19 incident during the national emergency that commenced on
20 September 11, 2001.

21 SEC. 2. The heading of Article 3 (commencing with Section
22 32320) of Chapter 3 of Part 19 of the Education Code is repealed.

23



~~Article 3. Tuition and Fee Exemptions~~

SEC. 3. Section 32320 of the Education Code is amended and renumbered to read:

~~32320.~~

66025.3. (a) No ~~state-owned college, university, community college, or other school~~ *campus of the California State University or the California Community Colleges* shall charge any mandatory systemwide tuition or fees, including enrollment fees, registration fees, differential fees, or incidental fees, to any of the following:

(1) Any dependent eligible to receive assistance under Article 2 (commencing with Section 890) of Chapter 4 of Division 4 of the Military and Veterans Code.

(2) (A) Any child of any veteran of the United States military who has a service-connected disability, has been killed in service, or has died of a service-connected disability, where the annual income of the child, including the value of any support received from a parent, does not exceed the national poverty level as defined in subdivision (c).

(B) Notwithstanding Section 893 of the Military and Veterans Code, the Department of Veterans Affairs may determine the eligibility for fee waivers for a child described in subparagraph (A).

(3) Any dependent, or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty, and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state. For the purposes of this paragraph, “active service of the state” refers to a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

(b) A person who is eligible for a waiver of tuition or fees under this section may receive a waiver for each academic year during which he or she applies for that waiver, but an eligible person may not receive a waiver of tuition or fees for a prior academic year.

(c) As used in this section, the “national poverty level” is the poverty threshold for one person, as most recently calculated by the Bureau of the Census of the United States Department of Commerce.

(d) The waiver of tuition or fees under this section shall apply only to a person who is determined to be a resident of California pursuant to Chapter 1 (commencing with Section 68000) of Part 41.

(e) This section shall not apply to a dependent of a veteran within the meaning of paragraph (4) of subdivision (a) of Section 890 of the Military and Veterans Code.

(f) ~~No provision of this~~ This section shall apply to the University of California ~~except only~~ to the extent that the Regents of the University of California, by appropriate resolution, make ~~that provision~~ *this section* applicable.

SEC. 4. A title heading is added immediately preceding Section 66025 of Chapter 2 of Part 40 of the Education Code, to read:

Article 3.5. Systemwide Fees and Tuition

SEC. 5. Section 66026 is added to the Education Code, to read:

66026. Notwithstanding any other provision of law, no mandatory systemwide fees or tuition shall be required of or collected by the Regents of the University of California, the Board of Trustees of the Hastings College of the Law, or the Trustees of the California State University from any resident of California whose parent or guardian was killed in a terrorist incident occurring on or after September 11, 2001. A terrorist incident includes, but is not limited to, an unlawful act described in Article 4.5 (commencing with Section 11410) and Article 4.6 (commencing with Section 11415) of Chapter 3 of Title 1 of Part 4 of the Penal Code.

SEC. 6. The heading of Article 10 (commencing with Section 68120) of Chapter 1 of Part 41 of the Education Code is repealed.

~~Article 10.—Provisions Related to Particular Institutions~~

SEC. 7. Section 68120 of the Education Code, as amended by Section 1 of Chapter 347 of the Statutes of 2001, is amended and renumbered to read:

~~68120.~~

1 66025.5. (a) Notwithstanding any other provision of law, no
2 mandatory systemwide fees or tuition of any kind shall be required
3 of or collected by the Regents of the University of California, the
4 Board of Directors of the Hastings College of the Law, or the
5 Trustees of the California State University from any surviving
6 spouse or surviving child, natural or adopted, of a deceased person
7 who met all of the following requirements:

8 (1) He or she was a resident of this state.

9 (2) He or she was employed by a public agency, or was a
10 contractor, or an employee of a contractor, performing services for
11 a public agency.

12 (3) His or her principal duties consisted of active law
13 enforcement service or active fire suppression and prevention.
14 This section shall not apply to a person whose principal duties were
15 clerical, even if he or she was subject to occasional call or was
16 occasionally called upon to perform duties within the scope of
17 active law enforcement or active fire suppression and prevention.

18 (4) He or she was killed in the performance of active law
19 enforcement or active fire suppression and prevention duties or
20 died as a result of an accident or an injury caused by external
21 violence or physical force, incurred in the performance of his or
22 her active law enforcement or active fire suppression and
23 prevention duties.

24 (b) As used in this section, “public agency” means the state or
25 any city, city and county, county, district, or other local authority
26 or public body of or within the state.

27 (c) This section shall remain in effect only until January 1,
28 2004, and as of that date is repealed, unless a later enacted statute,
29 that is enacted before January 1, 2004, deletes or extends that date.

30 SEC. 8. Section 68120 of the Education Code, as amended by
31 Section 2 of Chapter 347 of the Statutes of 2001, is amended and
32 renumbered to read:

33 ~~68120.~~

34 66025.5. (a) Notwithstanding any other provision of law, no
35 mandatory systemwide fees or tuition of any kind shall be required
36 of or collected by the Regents of the University of California, the
37 Board of Directors of the Hastings College of the Law, or the
38 Trustees of the California State University from any surviving
39 spouse or surviving child, natural or adopted, of a deceased person
40 who met all of the following requirements:

1 (1) He or she was a resident of this state.

2 (2) He or she was employed by a public agency.

3 (3) His or her principal duties consisted of active law
4 enforcement service or active fire suppression and prevention.
5 This section shall not apply to a person whose principal duties were
6 clerical, even if he or she was subject to occasional call or was
7 occasionally called upon to perform duties within the scope of
8 active law enforcement or active fire suppression and prevention.

9 (4) He or she was killed in the performance of active law
10 enforcement or active fire suppression and prevention duties or
11 died as a result of an accident or an injury caused by external
12 violence or physical force, incurred in the performance of his or
13 her active law enforcement or active fire suppression and
14 prevention duties.

15 (b) As used in this section, “public agency” means the state or
16 any city, city and county, county, district, or other local authority
17 or public body of or within the state.

18 (c) This section shall become operative on January 1, 2004.

19 SEC. 9. Section 68123 of the Education Code is amended and
20 renumbered to read:

21 ~~68123.~~

22 66025.7. Notwithstanding any other provision of law, the
23 Trustees of the California State University may enter into
24 agreements with other universities or colleges located within the
25 state whereby qualified students from campuses of the California
26 State University may attend the other universities or colleges
27 without payment of some or all fees or tuition, or both, charged by
28 the other institutions, and students from the other institutions may
29 attend campuses of the California State University without
30 payment of some or all of the fees or tuition, or both, charged by
31 the state university. During any year, however, the number of
32 students attending campuses of the California State University
33 from other universities or colleges, pursuant to the agreements
34 entered in between the Trustees of the California State University
35 and other universities and colleges, shall not exceed the number of
36 students of the California State University attending the other
37 institutions.

38 SEC. 10. Section 68124 of the Education Code is amended
39 and renumbered to read:

40 ~~68124.~~

1 68130.3. The trustees may enter into agreements with public
2 colleges and universities in other states whereby qualified students
3 from the California State University may attend the other college
4 or university without payment of any tuition fee charged by that
5 institution to persons who are nonresidents of the state in which it
6 is ~~situate~~ *situated*, and students from that institution may attend the
7 California State University without payment of the nonresident
8 tuition established pursuant to Section 89705. No nonresident
9 tuition shall be charged of students attending a campus of the
10 California State University pursuant to an agreement entered into
11 under this section. During any year, however, the number of
12 students attending the California State University from a particular
13 public college or university in another state, pursuant to the
14 agreement, shall not exceed the number of the California State
15 University students attending the institution under that agreement.

16 SEC. 11. Section 68130 of the Education Code is amended to
17 read:

18 68130. The governing boards and district governing boards
19 may waive nonresident tuition in whole or in part pursuant to
20 Sections ~~68123~~ 66025.7, 76140, 89705, and 89707.

21 SEC. 12. Section 68131 of the Education Code is amended to
22 read:

23 68131. The governing boards and district governing boards
24 may enter into agreements with appropriate agencies and
25 institutions of higher education in other states and foreign
26 countries providing for the exchange of students in higher
27 educational institutions in this state and other states or countries
28 pursuant to Sections ~~68124~~ 68130.3, 76140, and Chapter 10
29 (commencing with Section 66800) of Part 40 ~~of this division~~.